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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/775,734    04/02/01    CASINI

F    0104

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PM82/0814

EXAMINER

NELSON JR, M

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 08/14/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/775,734

Applicant(s)  
Casini

Examiner  
Milton Nelson, Jr.

Art Unit  
3636



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 5, 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Priority***

1. If applicant desires priority under 35 U.S.C. 120 based upon a previously filed copending application, specific reference to the earlier filed application must be made in the instant application. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. \_\_\_\_\_" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

### ***Drawings***

2. The drawings filed February 5, 2001 are objected to since a complete set of drawings are not included in the application file. Included is a single sheet containing nine figures. Based on material from the parent application, it is clear that there are missing sheets and/or figures. Applicant is required to provide a complete set of drawing in response to this Office action. It is suggested that Applicant provide a copy of all drawings from parent application 09/082,817. No new matter should be included.

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*Specification*

3. The specification is objected to because portions thereof are not included in the application file. The file only includes pages 5, 6, 13 and an abstract page. Applicant is required to provide a complete copy of the specification. It is suggested that Applicant provide a copy of the specification from parent application 09/082,817. No new matter should be included.

*Claim Rejections - 35 USC § 112*

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with indefinite language. Examples are as follows: In line 6 of claim 1, it is unclear if the referred to "front component" is intended to be the same element as the previously set forth front component. Similarly note line 1 of claim 2. In line 7 of claim 1, it is unclear if the referred to "rear component" is intended to be the same element as the previously set forth "rear component". Similarly note line 2 of claim 2. In claim 1, "the ability" and "the rearrangement" each lack proper antecedent basis. In claim 3, the "or" recitation fails to define the metes and bounds of the claim. Similarly note claim 4. In claim 4, "the first inch" lacks proper antecedent basis. Claim 18 is vague because it appears to set forth an unsupported embodiment; that which includes a highchair and a changing table. Claim 19 is vague because it appears to set forth an unsupported embodiment; that which includes a highchair, table and bassinet.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5-7, 9, 11, 13-20, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Creutz (3,233,942). Note the front component (1), rear component (other member 1), bottom component (11), side components (12, 12a), handles (6), bassinet (Figure 27), rocking chair (Figure 20), bench (Figures 7), bench with desk (Figure 25), elevation means (17, as shown in Figure 16), high chair (Figure 17), changing table (Figure 8), high bassinet (Figure 16), and potty (Figure 18).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 2, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Creutz (3,233,942) in view of Gamble (5,634,687).

The primary reference discloses all claimed structure of the instant invention with the exception of the means of connection being metal threaded rods affixable to knobs provided with receiving threads.

The secondary reference conventionally teaches configuring an assembly with a means of connection being metal threaded rods (10) affixable to knobs provided with receiving threads (9).

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the secondary reference by configuring the assembly with its means of connection being metal threaded rods affixable to knobs provided with receiving threads. Such a modification enhances releasable securement of the assembly parts to one another.

9. Claim 3, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Creutz (3,233,942) in view of Cetina (4,205,876).

The primary reference discloses all claimed structure of the instant invention with the exception of the front and rear components being flat at the top or bottom side and curved at the opposite side.

The secondary reference conventionally teaches configuring an assembly with front and rear components being flat at the top or bottom side and curved at the opposite side.

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It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the secondary reference by configuring the assembly with its front and rear components being flat at the top or bottom side and curved at the opposite side. Such a modification enhances use of the assembly as a rocking device.

10. Claim 4, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Creutz (3,233,942) in view of Gooding (3,570,418).

The primary reference discloses all claimed structure of the instant invention with the exception of the means of connection being a knob containing threads which can be disposed within receiving threads which are seated with the first inch or so of a groove in the side components.

The secondary reference conventionally teaches configuring an assembly with a means of connection being a knob containing threads which can be disposed within receiving threads which are seated with the first inch or so of a groove in the side components. See Figures 5 and 6.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the secondary reference by configuring the assembly with its means of connection being a knob containing threads which can be disposed within receiving threads which are seated with the first inch or so of a groove in the side components. Such a modification enhances use selective secure attachment of the assembly parts to one another.

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11. Claim 8, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over Creutz (3,233,942) in view of Pagliaro et al (3,001,822).

The primary reference discloses all claimed structure of the instant invention with the exception of the means of transportation being a carrying case.

The secondary reference conventionally teaches configuring an assembly with a means of transportation being a carrying case.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the secondary reference by configuring the assembly with a means of transportation being a carrying case. Such a modification enhances transportation of the assembly in a knocked down configuration. Note the case when affixed with legs, "can be" utilized as a table.

12. Claims 10 and 12, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over Creutz (3,233,942).

The primary reference shows the claimed invention with the exception of the article being a cradle (claim 10) or a rocking chair with desk (claim 12).

Applicant has disclosed in a response filed March 26, 1999 in the parent application that the disclosed embodiments are obvious variants of one another.

It would have therefore been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the Creutz in view of the Applicant's admission by



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configuring the assembly as either a cradle or a rocking chair with desk. Such modifications provide obvious and equivalent variants of the invention.

***Allowable Subject Matter***

13. Applicant is advised that the instant application appears to contain subject matter that patentably distinguishes over the prior art of record. Upon resolution of the above drawing and specification issues, a claim may be drafted by the Examiner and presented to Applicant for consideration.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knockdown furniture is shown by Bayes (3,584,916) and Austin (4,588,227). Convertible furniture is shown by Jones (5,104,179), Potter et al (2,776,700) and Fu-Tsung (5,415,454).

15. It is called to applicant's attention that if a communication is deposited with the U. S. Postal Service and mailed to the Office by First Class Mail before the reply time has expired, applicant may submit the reply with a "Certificate of Mailing" which merely asserts that the reply is being mailed on a given date. So mailed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

on \_\_\_\_\_(date).

Typed or printed name of person signing this certificate

\_\_\_\_\_

Signature\_\_\_\_\_

Date\_\_\_\_\_

**16.** Any inquiry of a general nature or relating to the status of this application should be directed to the Group Customer Service Representative at (703) 306-5771 or the Group receptionist whose telephone number is (703) 308-2168.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (703) 308-2117. The examiner can normally be reached on Monday-Thursday from 5:30 AM-3:00 PM. The examiner can also be reached on alternate Fridays.

The fax number for this Group is (703) 305-3597.

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August 9, 2001



Milton Nelson, Jr.  
Primary Examiner